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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
vs.  
  
TYSON MARTIN  
  
Defendant.

CASE NO. 2:23-mj-00107-BNW

**STIPULATION TO CONTINUE INITIAL  
APPEARANCE**

IT IS HEREBY STIPULATED by and between Erick M. Ferran, Esq., Counsel for Defendant Tyson Martin, and Imani Dixon, Assistant United States Attorney, that the Court vacate its current initial appearance date in this case and continue the initial appearance for at least two weeks. The parties thus stipulate that the initial appearance currently scheduled for March 16, 2023, at 9:30 a.m., be vacated and reset on a date and time convenient to this Court.

The stipulation is entered for the following reasons:

1. Defendant Martin is currently charged with Operating or being in physical control of a Motor Vehicle while Under the Influence of Alcohol a violation of 36 C.F.R. § 4.23(a)(1); and Operating or being in actual physical control of a Motor Vehicle with a BAC of 0.08 Grams and Higher a violation of 36 C.F.R. § 4.23(a)(2);
2. Counsel for Defendant Martin is not immediately available to appear before for this Honorable Court due to a medical emergency.
3. This is the first request for continuance.

1           4.     Defendant Martin is not in custody and does not object to this continuance.

2           5.     Additionally, the denial of this time requested by this stipulation could result in a  
3 miscarriage of justice.

4  
5 Dated this 16<sup>th</sup> day of March, 2023.

Dated this 16<sup>th</sup> day of March, 2023.

6  
7 /s/ Imani Dixon, Esq.  
8 Imani Dixon, Esq.  
9 Assistant United States Attorney

/s/ Erick M. Ferran, Esq.  
Erick M. Ferran, Esq.  
Counsel for Defendant Martin

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TYSON MARTIN

Defendant.

CASE NO. 2:23-mj-00107-BNW

**FINDINGS OF FACT, CONCLUSION OF  
LAW AND ORDER**

**FINDINGS OF FACTS**

Based on the stipulation of counsel, Imani Dixon, Esq., Assistant United States Attorney and Erick M. Ferran, Esq., counsel for the Defendant, the parties respectfully request and stipulate to continue the initial arraignment in this matter for 30 days. The Court thus FINDS as follows:

1. Defendant Martin is currently charged with Operating or being in physical control of a Motor Vehicle while Under the Influence of Alcohol a violation of 36 C.F.R. § 4.23(a)(1); and Operating or being in actual physical control of a Motor Vehicle with a BAC of 0.08 Grams and Higher a violation of 36 C.F.R. § 4.23(a)(2);
2. Counsel for Defendant Martin is not immediately available to appear before for this Honorable Court due to a medical emergency.
3. This is the first request for continuance.
4. Defendant Martin is not in custody and does not object to this continuance.
5. Additionally, the denial of this time requested by this stipulation could result in a miscarriage of justice.

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1 **CONCLUSION OF LAW**

2 For all the above-stated reasons, the ends of justice served by granting the requested  
3 continuance outweigh the best interest of the public and the Defendants in a speedy trial, since the  
4 failure to grant a continuance would likely result in a miscarriage of justice.

5 **ORDER**

6 **IT IS THEREFORE ORDERED** that the initial appearance currently scheduled on  
7 March 16, 2023, is hereby vacated, and reset to April 20, 2023 at 9:30 a.m.

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10 DATED: March 20, 2023

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14 UNITED STATES MAGISTRATE JUDGE